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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,298	04/02/2001	Jochen Kappel	51207-1030	4066

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EXAMINER

LAO, SUE X

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 10/29/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/825,298

Applicant(s)

KAPPEL ET AL.

Examiner

S. Lao

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-20 are presented for examination.

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because the inventor's signatures are missing.

4. The disclosure is objected to because of the following informalities: Page 10, lines 2-3 contain "Changing exceptions ... stable.", which is a duplicate of the sentence immediately preceding. Appropriate correction is required.

5. Claim 6 is objected to because of the following informalities: Claim 6 recites "capture an exception" on line 4, which appears to be "capturing an exception". Appropriate correction is required.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent.

7. Claims 1, 2, 6, 7, 11, 12, 16 and 17 are rejected under 35 U.S.C. 102(a) as being anticipated by Beard (U S Pat. 5,911,069).

As to claim 1, Beard teaches a system for providing exception handling for a computer program (object-oriented program), comprising:

means for establishing (define exception classes) a plurality of exception types (corresponding to types of exceptions);

means for capturing an exception (detect exception);

means for providing an exception notice for the exception (throw a recognizable exception). See col. 9, lines 11-48.

As to claim 2, Beard teaches means for determining the exception type (identify corresponding class, col. 9, lines 39-46).

As to claims 6 and 7, these are the method claims of claims 1 and 2, respectively, thus note claims 1 and 2 respectively for discussions.

As to claims 11 and 12, these are the program product claims of claims 1 and 2, respectively, thus note claims 1 and 2 respectively for discussions.

As to claim 16, note discussion of claim 1, and the equivalence of class creator / means for establishing, exception capture mechanism / means for capturing, and exception notice generator / means for providing an exception notice.

As to claim 17, note discussion of claim 2, and the equivalence of exception determination mechanism / means for determining.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 5, 8, 10, 13, 15, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beard as applied to claims 1, 6, 11, 16 in view of Forson (U S Pat. 4,481,577)

As to claim 3, Beard does not teach using an exception dictionary.

Forson teaches a system for providing exception handling for a computer program, including means for using an exception dictionary (indexed file, dictionary set of definitions) to determine an exception type (col. 4, lines 59-64; appendix; col. 13, line 56 - col. 14, line 2). Therefore, it would have been obvious to use an exception dictionary to determine the exception type in Beard. One of ordinary skill in the art would have been motivated to combine the teachings of Beard and Forson because this would have allowed customization of exception notice without the availability of the source code (col. 1, lines 27-40).

As to claim 5, Forson teaches means for propagating the exception to a central place if the exception type is not a validation exception (handle individual users errors message by a single editor program 107, col. 2, lines 54-64). Given the teaching of Benson, it would have been obvious to include means for propagating into Beard. Note discussion of claim 3 for a motivation to combine.

As to claims 8 and 10, these are the method claims of claims 3 and 5 respectively, and thus note claims 3 and 5 for discussions.

As to claims 13 and 15, these are the program product claims of claims 3 and 5 respectively, and thus note claims 3 and 5 for discussions.

As to claims 18 and 20, note claims 3 and 5 for discussions, and the equivalence of processing mechanism / means for propagating.

10. Claims 4, 9, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beard as applied to claims 1, 6, 11, 16 in view of Benson et al (U S Pat. 5,761,407).

As to claim 4, Benson teaches means for continuing processing (clear the trap and return control) (non-terminating model handling, col. 7, line 62 - col. 9, line 42) of the computer program if the exception type is a validation exception (exception cause being

nil). Given the teaching of Benson, it would have been obvious to include means for continuing processing into Beard. One of ordinary skill in the art would have been motivated to combine the teachings of Beard and Benson because this would have prevented dead routines from cluttering system memories (col. 4, lines 21-29).

As to claim 9, this is the method claim of claim 4, thus note claim 4 for discussion.

As to claim 14, this is the program product claim of claim 4, thus note claim 4 for discussion.

As to claim 19, note the discussion of claim 4, and the equivalence of processing mechanism / means for continuing processing.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Lao whose telephone number is (703) 305-9657. A voice mail service is also available at this number. The examiner's supervisor, SPE Alvin Oberley, can be reached on (703) 305 9716. The examiner can normally be reached on Monday - Friday, from 9AM to 5PM. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7238 for After Final communications, (703) 746-7239 for Official communications and (703) 746-7240 for Non-Official/Draft communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Sue Lao



October 18, 2003